

**NORFOLK, VIRGINIA**  
**ACTION OF THE COUNCIL**  
**CITY COUNCIL MEETING**  
**TUESDAY, MAY 10, 2016 – 7:00 P.M.**

President Fraim called the meeting to order at 7:00 p.m.

The opening prayer was offered by Vice Mayor Angelia Williams Graves, followed by the Pledge of Allegiance.

The following members were present: Mrs. Graves, Mrs. Johnson, Mr. Protogyrou, Mr. Riddick, Mr. Smigiel, Dr. Whibley, Mr. Winn and Mr. Fraim.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

**Motion adopted.**

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

**CERTIFICATION OF CLOSED MEETING**

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

**ACTION:** The Resolution as introduced was **adopted**, effective May 10, 2016.

Yes: Graves, Johnson, Protogyrou, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

## **CEREMONIAL MATTERS**

President Fraim presented a proclamation declaring the month of **May 2016** as **Foster Care Month**. Steve Hawks, Director of Human Services, accepted the proclamation. He was accompanied by Human Services staff members Denise Gallop, Assistant Director, Camille Campos, Norfolk Foster Care Unit and foster parents, Richard Litton and Audra Bullock.

## **PUBLIC HEARINGS**

PH-1

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving a **Land Disposition and Development Contract** with **Ocean View Properties, Inc.** for two parcels of land consisting of a total of 3.7 acres, more or less, on property located at **719 E. Ocean View Avenue**.

(PASSED BY AT THE MEETING OF APRIL 26, 2016)

Vic Yurkovic, 1816 East Ocean View, spoke in support of this matter.

Thereupon, An Ordinance entitled, “An Ordinance approving a **Land Disposition and Development Contract** with **Ocean View Properties, Inc.** for two parcels of land consisting of a total of 3.7 acres, more or less, and located at **719 E. Ocean View Avenue**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective June 10, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-2

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Pinewell Station** for a) an amendment to the City's Future Land Use Map within the general plan, *plaNorfolk2030*, from Open Space/Recreation and Commercial to Multifamily; b) a text amendment to the City's *Zoning Ordinance* to create PD-R Pinewell Station (Pinewell Station Residential Planned Development) district and c) for a change of zoning from C-2 (Corridor Commercial) and OSP (Open Space Preservation) Districts to PD-R Pinewell Station (Pinewell Station Residential Planned Development) District on property located at **600 and 719 East Ocean View Avenue**.

(PASSED BY AT THE MEETING OF APRIL 26, 2016)

Harrison Perrine, 3561 Piedmont Court, Virginia Beach, Mel Price, 208 East Plume Street and Ken Paulson, 2071 East Ocean View Avenue, were present to answer questions.

Ellis James, 2021 Kenlake Place, expressed concerns over the possible loss of open space.

Vic Yurkovic, 1816 East Ocean View, was present to support this matter.

Thereupon, An Ordinance entitled, "An Ordinance to amend the City's General Plan, *plaNorfolk2030*, **SO AS TO** change the City's Future Land Use Map for property located at **600 and 719 East Ocean View Avenue** from Open Space/Recreation and Commercial to Multifamily," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 10, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-2A

An Ordinance entitled, "An Ordinance to rezone property located at **600 and 719 East Ocean View Avenue** from C-2 (Corridor Commercial) and OSP (Open Space Preservation) District to PD-R **Pinewell Station** (Pinewell Station Residential Planned Development) District," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 10, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-2B

An Ordinance entitled, “An Ordinance to amend the Zoning Ordinance of the City of Norfolk, 1992, **SO AS TO** create the **Pinewell Station Residential Planned Development** (PD-R Pinewell Station) District,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 10, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-3

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving a **Land Disposition and Development Contract** between the **City of Norfolk**, as Seller, and **Vistacor Advisors, LLC**, as purchaser, for four parcels of real property consisting of 1.56 acres, more or less, on property located at **Hampton Boulevard and 26<sup>th</sup> Street** in the City of Norfolk.

Thereupon, An Ordinance entitled, “An Ordinance approving a **Land Disposition and Development Contract** between the City of Norfolk, as Seller, and **Vistacor Advisors, LLC**, as Purchaser, for four parcels of real property consisting of 1.56 acres, more or less, and located at **Hampton Boulevard and 26<sup>th</sup> Street** in the City of Norfolk,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective June 10, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Andalousi** for a change of zoning from R-8 (Single-Family) District to Conditional C-1 (Limited Commercial) District on property located at **2729 Bowdens Ferry Road.**

(PASSED BY AT THE MEETINGS OF MARCH 22 AND APRIL 12, 2016)

Omar Boukhriss, 617 Botetourt Gardens, the applicant, spoke about the process to purchase this property, stating that he did everything that was required to move forward.

Reverend Anthony Paige, 3320 Norway Place, spoke in opposition to this matter. He stated that the community worked years to revitalize Lamberts Point and that they are in a good place now. A venue such as this will disrupt the neighborhood. He asked that Council to continue to carry out the vision for the neighborhood.

Jack Kavanagh, 312 College Place, President, Freemason Civic League, spoke in support, stating that Mr. Boukhriss is a great manager, he does a great job with his businesses and his restaurants have never been a problem.

Robin and John Bernath, 3711 Bowdens Ferry Road, spoke in opposition to this matter. This banquet facility is across from an at-risk-school. The serving of alcohol and not enough parking spaces is inappropriate.

John Small, 2700 Hampton, a business owner, stated that he was reared in Lamberts Point and that he was opposed to this facility being open in the community.

Miranda Waddell, 1263 West 38<sup>th</sup> Street, Debra Blount, 1256 West 27<sup>th</sup> Street, Carol Crane, 1246 West 39<sup>th</sup> Street and Elbert Heard, 1263 West 38<sup>th</sup> Street, stated that they are opposed to the banquet facility for the following reasons: 1) parking is already constricted, 2) the hours of operation will begin during the school hour, 3) serving of alcohol, and 4) the facility is next to family homes.

Thomas Harris, President of Lamberts Point Civic League, Reunion Committee and Neighborhood Block Watch, stated that the building has been vacant for a while. There has been no activity with the building until Mr. Bourkhriss purchased the property. The civic league voted for the proposal, because they did not have a problem with it. Currently there are businesses in the surrounding area that sell alcohol and the people that are opposing this application do not come to any civic league meetings or live in the area.

Thereupon, An Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment with alcoholic beverages known as “**Andalousi**” on property located at **2729 Bowdens Ferry Road,**” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced **LOST**.

Yes: Protogyrou, Smigiel, Whibley and Winn.

No: Graves, Johnson, Riddick and Fraim.

At this point Councilman Protogyrou excused himself from the meeting and departed.

## **REGULAR AGENDA**

R-1

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the resumption of a nonconforming retail sales establishment named ‘**The Coffee Tree**’ in an historic building on property located at **2815 Colonial Avenue,**” was introduced in writing and read by its title.

Gabriel Rapisardi, the applicant, 1507 Halstead Ave, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 10, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment with alcoholic beverages named ‘**Elixia**’ on property located at **257 Granby Street,**” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 10, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of a **Day Care Home** known as ‘**Ms. Rosebuds Family Dayhome**’ on property located at **1439 Mellwood Court**,” was introduced in writing and read by its title.

Rosemary Everette, 1439 Mellwood Court, was present answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 10, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-4

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit mixed uses on property located at **8131 Shore Drive**,” was introduced in writing and read by its title.

Albert Viola, the applicant, 205B 60<sup>th</sup> Street, Virginia Beach, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 10, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of a Commercial Drive-Through for ‘**Wells Fargo Bank ATM**’ on property located at **4231 East Little Creek Road**,” was introduced in writing and read by its title.

Nick Sours, the applicant, 6371 Center Drive, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 10, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the sale of alcoholic beverages for off-premises consumption at an establishment known as ‘**Mi Calavera Latin Store**’ on property located at **1301 East Little Creek Road, Suites 4 and 5**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 10, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-7

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment with alcoholic beverages known as ‘**Holiday Inn**’ on property located at **1570 North Military Highway**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 10, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-8

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named ‘**Saint Germain**’ on property located at **255 Granby Street**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 10, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-9

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment with alcoholic beverages known as ‘**D’Art Center**’ on property located at **740 Duke Street, Suite 100**,” was introduced in writing and read by its title.

Angela Tilley, D’Art Center, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 10, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.



R-10

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named ‘**Luce**’ on property located at **245 Granby Street**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 10, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-11

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named ‘**Zeke’s Beans and Bowls**’ on property located at **800 Granby Street**,” was introduced in writing and read by its title.

Nick Petriccione, the applicant, 759 Granby Street, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 10, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-12

Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment with alcoholic beverages known as ‘**Mi Hogar Mexican Restaurant**’ on properties located at **4201 to 4205 Granby Street**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 10, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-12A

An Ordinance entitled, “An Ordinance granting a **Pedestrian Commercial Overlay Development Certificate**, with waivers, to permit construction of an additional to the existing building on properties located at **4201 to 4205 Granby Street**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 10, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-13

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of a microbrewery named ‘**Benchtop Brewing Company**’ on property located at **1121 to 1129 Boissevain Avenue**,” was introduced in writing and read by its title.

Eric Tennant, the applicant, 3621 Deerfield Drive, Suffolk, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 10, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-14

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named ‘**El Rey #2**’ on property located at **849 East Little Creek Road**,” was introduced in writing and read by its title.

Louis Zepeda, the applicant, 849 East Little Creek Road, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 10, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-15

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting with appreciation \$40,000 from **Marathon Development Group, Inc.** and appropriating and authorizing the expenditure of \$40,000.00 for the construction of a dog walk area at **416 Granby Street**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 10, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-16

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **519 Front Street, LLC** to encroach into the right-of-way at **519 Front Street** with the existing building, drain pipes and a concrete pad,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 10, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-17

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting **Paul Filion** permission to encroach into the right of way at **114 East 25<sup>th</sup> Street** approximately 155 square feet for the purpose of outdoor dining and approving the terms and conditions of the **Encroachment Agreement**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 10, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-18

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving a **Nonexclusive Telecommunications Franchise Agreement** with **Mobilitie, LLC**,” was introduced in writing and read by its title.

**ACTION:** Continued Generally.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-19

Letter from the City Manager and an Ordinance entitled, “An Ordinance establishing certain public areas and streets of the City of Norfolk as the **‘Festival Area’** and setting forth the regulations applicable to such festival area for the **Norfolk Harborfest 2016 Celebration**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 10, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-20

Letter from the City Manager and an Ordinance entitled, “An Ordinance closing certain city-owned docks to public use during the **Norfolk Harborfest 2016 Celebration**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 10, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-21

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving a right of entry permitting the **New Hope Church of God In Christ** to go upon and use that certain City owned property numbered and designated as **616, 618 and 620 W. 35<sup>th</sup> Street**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 10, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-22

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting \$40,608.48 from the **Schools and Libraries Division of the Universal Service Fund E-Rate Reimbursement Program** and appropriating and authorizing the expenditure of \$40,608.48 for telecommunications and technology services for the **Norfolk Public Library**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 10, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-23

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting with appreciation the donation of \$9,170 to the City from the **Hampton Roads Community Foundation** and appropriating and authorizing the expenditure of \$9,170 to support library services and programs with a preference for the purchase of additional books, reading or educational materials at the **Pretlow Anchor Branch Library**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 10, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-24

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting funds donated to the **City** to support the **Norfolk Neighborhood Expo Event of the City’s Department of Neighborhood Development** and appropriating and authorizing the expenditure of the funds for the event,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 10, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-25

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting funds donated to the City to support the **Shoot Hoops Not Guns Event** of the **City’s Department of the Neighborhood Development** and appropriating and authorizing the expenditure of the funds for the event,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 10, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-26

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing the City Manager to execute an **Amendment** to an **Agreement** in substantial conformity with the terms and conditions of **Amendment No. 3** to the **Comprehensive Agreement** by an between the City of Norfolk, Norfolk Public Schools, and **S. B. Ballard Construction Company** for the design and construction of four schools known as **Campostella K-8 School, Broad Creek PK-5 School, Ocean View PK-5 School and Larchmont PK-5 School**, with an option to design and build **Camp Allen PK-5 School** to restore **security camera systems**, which were removed as part of the Information Technology from each of the schools pursuant to **Amendment No. 2** to the **Comprehensive Agreement**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 10, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-27

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving the terms and conditions of a certain **Agreement** between the City of **Norfolk and the Southeastern Public Service Authority of Virginia** relating to the disposal of Norfolk’s solid waste on and after January 25, 2018, and authorizing the City Manager to enter into the Agreement on behalf of the City,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 10, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-28

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend and reordain the **Norfolk City Code, 1979, SO AS TO** add one new section concerning interfering with vehicular traffic,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 10, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-29

An Ordinance entitled, “An Ordinance to schedule a City Council meeting on **Tuesday, May 17, 2016 at 4:00 P.M.,**” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 10, 2016.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Frain.

No: None.

### **NEW BUSINESS**

1. Ellis James, 2021 Kenlake Place, spoke in support of Norfolk Public School’s on travel budget.
2. Janice McKee, 903 Hatton Street, thanked the administration for the cameras being put back at Campostella K-8 School, and asked that the Campostella Center be funded so it can continue to operate.
3. Jane Bethel, 1142 Little Bay, commented on the retirees not receiving a COLA.
4. Danny Lee Ginn, 3844 Dare Circle, spoke favorably on the public service of Mrs. Graves, Mr. Winn and Mr. Protogyrou.